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C O N F I D E N T I A L SECTION 01 OF 02 BUCHAREST 000374

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DEPT FOR EUR/NCE AARON JENSEN

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TAGS: [PREL](#) [MARR](#) [MCAP](#) [PHUM](#) [SR](#) [RO](#)

SUBJECT: STATE SECRETARY VIERITA ON THE RETURN OF ROMANIAN
GENDARMES FROM KOSOVO

Classified By: DCM Mark Taplin for Reasons 1.4(b) and (d).

¶1. (C) MFA State Secretary Adrian Vierita accompanied by UN Director Petru Dumitriu and Director General for Europe Razvan Rusu, on March 28 raised with DCM and POLMILOFF Romanian concerns on UNMIK's attitude and handling of the investigation into the deaths of two ethnic Albanians during a violent demonstration on February 10 in Pristina. Vierita said Romania was surprised that the UN's press releases expressing disappointment with the decision of Romanian authorities to proceed with the scheduled rotation of its 75 Gendarmes from Kosovo. Vierita said he saw the original press draft from UNMIK and was shocked that it was so "verbally violent." He added that although the final UN release was somewhat milder in tone, it was still disappointing, particularly in view of the strong track record Romania has established in the region.

¶2. (C) Vierita noted that, contrary to the UN's statement, four members of the Gendarmes unit in question--all commanders--remained in the region while the rest had returned to Romania following an "extraordinarily long prolongation" of their deployment, having spent more than a year in Kosovo. Furthermore, he pointed out that UNMIK authorities were aware of the scheduled rotation, and that this rotation was decided well before UNMIK subsequently made its second request for Romania to continue keeping the Gendarmes unit in Kosovo. That request, he said, was for the sole purpose of investigating the allegation that the Romanians used excessive force against members of the Albanian Self-Determination Group (Vetevendosja) who took to the streets to protest against UN SE Ahtisarri's plan for Kosovo's future status. Vierita emphasized that the Romanian unit had already been deployed longer than any other unit among the allies. He also pointed out that Romania did not consider the UNMIK investigation would take so long to conclude. He said that Romania's withdrawal of the Gendarmes followed established UNMIK procedures, and did not hamper the investigation since the unit was available for additional interviews in Romania. Vierita agreed with the DCM that it would also be appropriate for the Interior Ministry, at a minimum, to conduct its own internal investigation into the events.

¶3. (C) Vierita shared talking points provided to him by the Ministry of Administration and Interior, which he said informally expressed the views of the Romanian gendarme. They were not part of his formal presentation, he stressed:

/Begin text/

Talking Points for the meeting of State Secretary Adrian Vierita with Mark Taplin, DCM, US Embassy in Bucharest
MFA, 28 March 2007

UN Investigation Commission into the incidents of 10 February 2007 in Pristina/Kosovo

According to the evaluation of the Ministry of Administration and Interior Affairs, the undergoing inquiry is not in full compliance either with the Guidelines for Formed Police Units on Assignment with Peace Operations (May 2006), or with Article 6 of the UN Convention on Privileges and Immunities (1946).

Arguments:

- ¶1. The Romanian authorities were prevented from providing proper assistance promptly to its police officers under investigation as UNMIK did not inform immediately the DPKO, and implicitly Romania, on the start of this investigation;
- ¶2. UN high officials assured the Romanian authorities that the investigation would be conducted in a transparent manner. In reality, the Romanian authorities have not been informed on any aspect related to the investigation, as the information has been classified as "secret";
- ¶3. The assumption of self-defense has been ignored since the beginning;
- ¶4. During preliminary investigations, the international prosecutor requested to the Romanian contingent to provide evidence on the basis of the Kosovo Criminal Law instead of the UN Convention on the Privileges and Immunities;
- ¶5. Although officially, the Romanian police officers were heard as witnesses, it is clear that the Commission intends to reverse this capacity to that of defendant;
- ¶6. According to the provisions of Chapter VIII, Article 16

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of the Directives for Disciplinary Matter involving Civilian Police Officers and Military Observers (DDCPO/2003/001), a "Board of Inquiry shall not be a judicial body; it is a management tool to assist the Head of Mission in discharging his/her responsibilities. It may also assist the participating State concerned in its own investigation of the incident or act, for the purpose of appropriate national disciplinary proceedings"; in reality is used as such;

- ¶7. Apparently, the time foreseen for the investigation has been extended due to procedural flaws, including the use of unauthorized interpreters, during the first stage of the inquiry; this fact determined a rather late second request by the UN for a new extension of the tour of duty;
- ¶8. Persons with high responsibilities in the UNMIK chain of command, involved in the events of 10 February, have been discharged and apparently have left Kosovo, thus depriving the investigation of significant information.
- ¶9. Romania reiterated its support for UNMIK and its availability to further cooperate in the investigation.

Conclusion: the investigation seems to go into the direction of indicating the individual responsibility of the members of the Romanian FPU, while trying to avoid the responsibilities of the UN Interim Administration, of the command the UNMIK police force and Kosovo Protection Service.

/End text/

¶4. (C) Comment: The MFA was genuinely surprised by the UN press release (March 23), and wanted to assure the U.S. that Romania was neither hampering the investigation nor being uncooperative with the UN investigation into the February 10 events. At the time of the incident, Romanian television showed images of a rather violent confrontation in Pristina, including what appeared to be Albanian demonstrators running towards the police line and throwing rocks and bottles at Gendarmes. Our Romanians interlocutors seem to be genuinely discomfited by the incident, and it not hard to imagine why this situation is awkward in the face of an international

investigation into their conduct in Kosovo. We pledged to convey their views in this channel, without otherwise commenting on the validity of their observations. At a minimum, we hope that this episode will provide an impetus for better training of Romanian Gendarmes to operate in multilateral operations, whatever the specific circumstances were on the ground on February 10. End Comment.

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